

**AMENDMENT**

Please amend the application, without prejudice, without admission, without surrender of subject matter, and without any intention of creating any estoppel as to equivalents.

**In the Claims**

1. (Currently amended) An isolated nucleic acid molecule with the function of a caryopsis-specific promoter, which nucleic acid molecule:

- a) comprises the nucleic acid sequence defined by Seq ID No. 1 or deposited by DSM 13398 (plasmid p 11/1);
- b) comprises one or more sequence elements selected from the group consisting of
  - i) cacgcaaagg cgctcggcc agccacgac (Seq ID No. 2);
  - ii) agaaacaaac aaacaaacaa aaaagt (Seq ID No. 3);
  - iii) ccttcagga cgatgcttcg gtccttaag acacctacc ttgtgtcta tgacatgtga gcccaacag atggct (Seq ID No. 4);
  - iv) cccgtctagg cgttcgggtg ccggcc (Seq ID No. 5);
  - v) cagggagcct tcga (Seq ID No. 6);
  - vi) tcagccagtt ccacccgtg cacg (Seq ID No. 7) and
  - vii) tactctggtc atgttaa (Seq ID No. 8);
- c) comprises a functional portion of ~~the nucleic acid sequence stated under a)~~ Seq ID No. 1;
- d) comprises a sequence which hybridizes under stringent conditions with ~~at least one of the nucleotide sequences stated under a) and/or b)~~ a nucleic acid consisting of any one of Seq ID Nos. 1-8; and/or
- e) comprises a sequence which has ~~approx.~~ approximately ~~[[90]]~~ 95-99% identity with ~~one of the nucleic acid sequences stated under a)~~ a nucleic acid consisting of any one of Seq ID Nos. 1-8.

2. (Cancelled)

3. (Previously presented) An expression cassette comprising the isolated nucleic acid molecule as claimed in claim 1.

4. (Previously presented) A vector comprising the isolated nucleic acid molecule as claimed in claim 1.

5. (Previously presented) The vector as claimed in claim 4 which is suitable for transforming plant cells.

6. (Previously presented) A host cell comprising the isolated nucleic acid molecule as claimed in claim 1.

7. (Previously presented) The host cell as claimed in claim 6, which is a pro- or eukaryotic cell.

8. (Previously presented) The host cell as claimed in claim 6, which is a plant cell.

9. (Previously presented) A plant comprising the plant cell as claimed in claim 8.

10. (Previously presented) Propagation material or harvested material from the plant as claimed in claim 9.

11. (Previously presented) A method of generating transgenic plant cells, comprising the steps of transforming plant cells, plant tissue, plant parts or protoplasts with the isolated nucleic acid molecule as claimed in claim 1, the vector as claimed in claim 4, the expression cassette as claimed in claim 3, or the host cell as claimed in claim 6, and growing the transformed plant cells, plant tissues, plant parts or protoplasts in a growth medium.

12. (Previously presented) A method of generating transgenic plants, comprising the steps of transforming plant cells, plant tissue, plant parts or protoplasts with the isolated nucleic acid molecule as claimed in claim 1, the vector as claimed in claim 4, the expression cassette as claimed in claim 3, or the host cell as claimed in claim 6, growing the transformed plant cells, plant tissues, plant parts or protoplasts in a growth medium, and regenerating intact plants from these.

13. (Previously presented) A method for caryopsis-specific expression of genes in genetically modified plants comprising transforming a plant cell, plant tissue, plant part or protoplast with the nucleic acid molecule as claimed in claim 1, wherein the nucleic acid molecule drives expression of genes under the control of the nucleic acid molecule in caryopses.

14. (Previously presented) A method for the caryopsis-specific suppression of genes in genetically modified plants comprising transforming a plant cell, plant tissue, plant part or protoplast with the nucleic acid molecule as claimed in claim 1, wherein a nucleic acid molecule under the control of the caryopsis-specific promoter suppresses expression of endogenous genes.

15. (Previously presented) A method for caryopsis-specific gene expression in plants, wherein a nucleic acid molecule as claimed in claim 1 is stably integrated into to the genome of a plant cell, and the plant is regenerated from said plant cell.

16. (Previously presented) A method for caryopsis-specific gene suppression in plants, wherein a nucleic acid molecule as claimed in claim 1 is stably integrated into the genome of a plant cell, and a plant is regenerated from said plant cell.

17. (Cancelled)

18. (Cancelled)